

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AUSTIN L. CURTIS

Plaintiff,

v.

MICHAEL CHERTOFF, SECRETARY
DEPARTMENT OF HOMELAND
SECURITY, IN HIS OFFICIAL
CAPACITY ONLY,
Defendant.

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CASE NO. 4:07cv307

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 28, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Michael Chertoff's Motion for Summary Judgment (Dkt. 62) be GRANTED and that Plaintiff should take nothing by his claims in this case.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, Defendant Michael Chertoff's Motion for Summary Judgment (Dkt. 62) is GRANTED and Plaintiff should take nothing by his claims in this case.

All motions by either party not previously ruled on are hereby **DENIED**.

IT IS SO ORDERED.

SIGNED this 20th day of August, 2008.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE